

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

JOHN MICHAL WOODS,)
)
)
Plaintiff,)
)
v.) Case No. 1:12-cv-01900
)
)
CITY OF BERWYN and RONALD) Judge Kennelly
HAMILTON,)
)
Defendants.)

**CITY OF BERWYN'S MOTION FOR
JUDGMENT AND PETITION FOR WRIT OF EXECUTION**

NOW COMES Defendant, the City of Berwyn, by its undersigned counsel, and pursuant to Fed. R. Civ. P. 69, requests that this Honorable Court enter an Order entering judgment in favor of the City of Berwyn and against Plaintiff, John Michal Woods, in the amount of \$4,875.55, and providing for its execution and collection. In support of its Motion, Defendant states as follows:

1. This was an action alleging employment discrimination where the Court granted summary judgment in favor of the Defendant and issued an Order requiring Plaintiff to pay the City of Berwyn the gross sum of \$4,576.05 in costs. [Dkt. Nos. 93 and 140]

2. Plaintiff appealed the decision and on October 15, 2015, the Seventh Circuit Court of Appeals affirmed the decision, with costs (a copy of which is attached as Exhibit A) and on November 6, 2015, the Seventh Circuit Court of Appeals issued a Bill of Costs in the amount of \$299.50 (attached as Exhibit B). According to the Seventh Circuit Court of Appeals' Practitioners' Handbook, "Application for recovery of these expenses by the successful party on appeal must be made in the district court after the mandate issues."

3. The Seventh Circuit Court of Appeals issued its mandate on November 9, 2015.

4. Defendant therefore now seeks an Order entering Judgment in of the costs awarded by this Court and by the Seventh Circuit Court of Appeals, in the total amount of \$4,875.55, in favor of the City of Berwyn and against the Plaintiff, John Michal Woods.

5. The entire amount of the award of costs remains unpaid and outstanding at this time.

6. This Court retains jurisdiction over the enforcement of its Order and is the proper forum to bring this Petition pursuant to Fed. R. Civ. P. 69(a)(1) which provides:

A money judgment is enforced by a writ of execution, unless the court directs otherwise. The procedure on execution—and in proceedings supplementary to and in aid of judgment or execution—must accord with the procedure of the state where the court is located, but a federal statute governs to the extent it applies.

7. On October 19, 2015, the undersigned counsel spoke to counsel for Plaintiff regarding the outstanding costs and counsel for Plaintiff later reported that Plaintiff has disposed of his assets and believes that he is judgment proof, and is therefore unwilling to pay the costs ordered by this Court or the Court of Appeals.

WHEREFORE, Defendant, the City of Berwyn, respectfully requests that this Honorable Court enter an Order entering judgment against Plaintiff and in favor of the City of Berwyn in the amount of \$4,875.55 and providing for its execution and collection, and that the Court grant such further and additional relief as it deems just and proper.

Date: November 16, 2015

CITY OF BERWYN

By: /s Jeffrey S. Fowler
One of its Attorneys

Jeffrey S. Fowler (6205689)
Laner, Muchin, Dombrow, Becker,
Levin and Tominberg, Ltd.
515 North State Street, Suite 2800
Chicago, Illinois 60654
(312) 467-9800
(312) 467-9479 (fax)

CERTIFICATE OF SERVICE

I, Jeffrey S. Fowler, an attorney, hereby certify that on November 16, 2015, I caused to be served a copy of the foregoing **Motion**, in the above-captioned matter to be served on the party of record listed below, by filing it according to the Court's ECF system, to:

Peter M. Katsaros
Laura A. Balson
Anita J. Pancholi
Golan & Christie LLP
70 West Madison Street, Suite 1500
Chicago, IL 60602

Cynthia S. Grandfield
DelGaldo Law Group, LLC
1441 South Harlem Avenue
Berwyn, IL 60402

/s Jeffrey S. Fowler
Jeffrey S. Fowler